

**DRAFT**

Attorney Docket No: 23546-07666US

Client Ref: RTS-0297

USSN: 09/920,671

**REMARKS****STATUS OF THE CLAIMS**

Claims 3-13 were pending in this application. Claims 3 and 11 have been amended. Following entry of the amendments, claims 3-13 will be pending and at issue.

**SUMMARY OF EXAMINER INTERVIEW**

Applicant thanks Examiner McGarry for his telephone call of August 17, 2004. Examiner indicated that he would consider allowance of the claims subject to the following"

1. Amendment of the language "8-50" in claims 3 and 11.
2. Removal of the language "at least an 8 nucleobase portion of " in claim 11.
3. Identification of support for the amendments in the specification.

**SUPPORT FOR THE AMENDMENTS TO THE CLAIMS**

Support for the language "20-50 nucleobases in length" can be found throughout the specification as filed, e.g., the claims as originally filed and the examples provided at Table 1 on pages 81-82, disclosing compounds 20 nucleobases in length, e.g., SEQ ID NO:80. Applicant respectfully reminds the Examiner that "With respect to changing numerical range limitations, the analysis must take into account which ranges one skilled in the art would consider inherently supported by the discussion in the original disclosure. In the decision in *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976), the ranges described in the original specification included a range of "25%- 60%" and specific examples of "36%" and "50%." A corresponding new claim limitation to "at least 35%" did not meet the description requirement because the phrase "at least" had no upper limit and caused the claim to read literally on embodiments outside the "25% to 60%" range, however a limitation to "between 35% and 60%" did meet the description requirement" See MPEP 2165.05 (III. RANGE LIMITATIONS).

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## CONCLUSION

Withdrawal of the pending rejections and reconsideration of the claims are respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant's representative at (415) 875-2316.

Respectfully submitted,  
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